

ASSEMBLY BILL

No. 1183

Introduced by Assembly Member Hancock

February 23, 2007

An act to amend Section 65962.5 of the Government Code, and to amend Section 21084 of the Public Resources Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1183, as introduced, Hancock. Hazardous materials: Cortese list.

(1) Existing law prohibits a project that is located on a specified site list (Cortese list) from being exempted from the requirements of the California Environmental Quality Act (CEQA).

This bill would prohibit exempting from CEQA only a development project on that list that is intended for residential or other sensitive uses. By requiring a lead agency, which may include a local agency, to determine whether a project is intended for residential or other sensitive uses, this would increase the level of services provided by a local agency, thereby imposing a state-mandated local program.

(2) Existing law requires the Department of Toxic Substances Control (DTSC) to compile, update annually, as appropriate, and submit to the Secretary for Environmental Protection a list of hazardous substance release sites and information received by DTSC regarding the unauthorized disposal of hazardous waste on public land that is owned by a city, county, or state agency. The State Water Resources Control Board (board) is required to compile, update annually, as appropriate, and submit to the Secretary for Environmental Protection a list of all underground storage tanks with an unauthorized release report filed, all solid waste facilities where there is a migration of hazardous waste

for which DTSC has been notified, and all cleanup and abatement orders concerning the discharges of hazardous materials into waters. The Secretary for Environmental Protection is required to consolidate the information submitted by DTSC and the board and to distribute the information to each city and county in which sites in the lists are located.

This bill would, instead, require DTSC to make available on its public Internet Web site a list of hazardous substance release sites that have yet to receive a final cleanup decision and a list of all land use restriction instruments and agreements required to be maintained and posted. The board would also be required to make available on its public Internet Web site a list of the above sites, facilities, and orders that have yet to receive a final cleanup decision. The board would also be required to make available on its public Internet Web site a list of all land use restriction instruments and agreements required to be maintained and posted. The Secretary for Environmental Protection would be required to post appropriate links to the above information on its public Internet Web site and to notify each city and county of the available resources.

This bill would require DTSC and the board to provide telephone numbers and other means to provide the above information to people who do not have access to the Internet and would make conforming changes.

(3) Existing law requires the State Department of Public Health to compile, update annually, and submit to the Secretary for Environmental Protection a list of public drinking wells containing detectable levels of organic contaminants. A local enforcement agency is required to compile, update annually, and submit to the California Integrated Waste Management Board a list of solid waste facilities with known migration of hazardous waste.

This bill would repeal these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 65962.5 of the Government Code is amended to read:

65962.5. (a) The Department of Toxic Substances Control shall ~~compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of~~ *make available on its public Internet Web site* the following *lists*:

(1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

(2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

~~(3) All information received by the Department of Toxic Substances Control. A list of all instruments and agreements restricting land uses required to be maintained and posted pursuant to Section 25242 57012 of the Health and Safety Code on hazardous waste disposals on public land.~~

(4) All sites listed pursuant to Section 25356 of the Health and Safety Code *that have not yet received a final cleanup decision.*

~~(5) All sites included in the Abandoned Site Assessment Program.~~

(b) ~~The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code.~~

~~(c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of~~ *make available on its public Internet Web site* the following *lists*:

(1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code *that have not yet received a final cleanup decision.*

(2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic

1 Substances Control pursuant to subdivision (e) of Section 13273
2 of the Water Code *that have not yet received a final cleanup*
3 *decision.*

4 (3) All cease and desist orders issued after January 1, 1986,
5 pursuant to Section 13301 of the Water Code, and all cleanup or
6 abatement orders issued after January 1, 1986, pursuant to Section
7 13304 of the Water Code, that concern the discharge of wastes
8 that are hazardous materials *that have not yet received a final*
9 *cleanup decision.*

10 (4) *The list of all instruments and agreements restricting land*
11 *uses required to be maintained and posted pursuant to Section*
12 *57012 of the Health and Safety Code.*

13 ~~(d) The local enforcement agency, as designated pursuant to~~
14 ~~Section 18051 of Title 14 of the California Code of Regulations,~~
15 ~~shall compile as appropriate, but at least annually, and shall submit~~
16 ~~to the California Integrated Waste Management Board, a list of~~
17 ~~all solid waste disposal facilities from which there is a known~~
18 ~~migration of hazardous waste. The California Integrated Waste~~
19 ~~Management Board shall compile the local lists into a statewide~~
20 ~~list, which shall be submitted to the Secretary for Environmental~~
21 ~~Protection and shall be available to any person who requests the~~
22 ~~information.~~

23 (c) *The Department of Toxic Substances Control and the State*
24 *Water Resources Control Board shall provide a telephone number*
25 *or other means to provide the information in subdivisions (a) and*
26 *(b) to anyone who does not have access to the Internet.*

27 (e)

28 (d) ~~The Secretary for Environmental Protection shall consolidate~~
29 ~~the information submitted pursuant to this section and distribute~~
30 ~~it in a timely fashion to each city and county in which sites on the~~
31 ~~lists are located. The secretary shall distribute the information to~~
32 ~~any other person upon request. The secretary may charge a~~
33 ~~reasonable fee to persons requesting the information, other than~~
34 ~~cities, counties, or cities and counties, to cover the cost of~~
35 ~~developing, maintaining, and reproducing and distributing the~~
36 ~~information post on its public Internet Web site a page with a~~
37 ~~comprehensive set of links to the lists of information required by~~
38 ~~this section.~~

39 (e) *The Secretary for Environmental Protection shall notify*
40 *each city and county of the availability of this resource, as well*

1 *as the Internet addresses and telephone numbers that are made*
2 *available pursuant to this section.*

3 (f) Before a lead agency accepts as complete an application for
4 ~~any~~ a development project which will be used by ~~any~~ a person,
5 the applicant shall consult the lists ~~sent to the appropriate city or~~
6 ~~county~~ *that have been made available pursuant to this section* and
7 shall submit a signed statement to the local agency indicating
8 whether the project and any alternatives are located on a site that
9 is included on any of the lists compiled pursuant to this section
10 and shall specify ~~any~~ *the list on which the site is found*. If the site
11 is included on a list, and the list is not specified on the statement,
12 the lead agency shall notify the applicant pursuant to Section
13 65943. The statement shall read as follows:

14 HAZARDOUS WASTE AND SUBSTANCES STATEMENT

15
16 The development project and any alternatives proposed in this
17 application are contained on the lists ~~compiled~~ *made available*
18 pursuant to Section 65962.5 of the Government Code. Accordingly,
19 the project applicant is required to submit a signed statement that
20 contains the following information:

21
22 Name of applicant:

23 Address:

24 Phone number:

25 Address of site (street name and number if available, and ZIP
26 Code):

27 Local agency (city/county):

28 Assessor's book, page, and parcel number:

29 Specify any list pursuant to Section 65962.5 of the Government
30 Code:

31 Regulatory identification number:

32 Date of list:

33
34 _____
35 Applicant, Date
36

37 (g) The changes made to this section by the act amending this
38 section, that takes effect January 1, 1992, apply only to projects
39 for which applications have not been deemed complete on or before
40 January 1, 1992, pursuant to Section 65943.

SEC. 2. Section 21084 of the Public Resources Code is amended to read:

21084. (a) The guidelines prepared and adopted pursuant to Section 21083 shall include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from this division. In adopting the guidelines, the Secretary of the Resources Agency shall make a finding that the listed classes of projects referred to in this section do not have a significant effect on the environment.

(b) ~~No~~ A project ~~which~~ *that* may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway designated as an official state scenic highway, pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, shall *not* be exempted from this division pursuant to subdivision (a). This subdivision does not apply to improvements as mitigation for a project for which a negative declaration has been approved or an environmental impact report has been certified.

(c) ~~No~~ A *development* project, as defined in Section 65928 of the Government Code, intended for residential or other sensitive uses, including, but not limited to, schools, hospitals, day care centers, or convalescent homes, that is located on a site which is included on ~~any~~ a list compiled pursuant to Section 65962.5 of the Government Code shall *not* be exempted from this division pursuant to subdivision (a).

(d) The changes made to this section by Chapter 1212 of the Statutes of 1991 apply only to projects for which applications have not been deemed complete on or before January 1, 1992, pursuant to Section 65943 of the Government Code.

(e) ~~No~~ A project that may cause a substantial adverse change in the significance of an historical resource, as specified in Section 21084.1, shall *not* be exempted from this division pursuant to subdivision (a).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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